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JUSTICE PASS TO PHILIP LYNCH

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: PGOV PHUM SOCI IZ

SUBJECT: Trial Begins on Destruction of Marshes and Marsh Arabs

¶1. (U) Summary: On June 24, the Iraqi High Tribunal began the trial of the Marsh Arabs case, which consists of crimes against humanity committed by Saddam's regime against Arabs living in the southern marshes of Iraq. The military attacks, forced relocation and draining of the marshes destroyed a culture that had existed virtually unchanged for thousands of years. The case is noteworthy because of the magnitude of the crime and the permanent environmental and cultural damage it caused. End summary.

¶2. (U) Prior to 1984 the population of the marshes totaled 350,000-500,000. The inhabitants existed by breeding buffalo, hunting and fishing, and growing rice and millet. The reeds that grew seven feet tall in the marshes provided food for livestock, building material for houses and boats and a commodity for export to other areas of Iraq. The marshes were fed by the waters of the Tigris and Euphrates rivers.

¶3. (U) In addition to providing a sanctuary for an ancient way of life, the marshes were home to a wide variety of animal and aquatic life. Some species existed only in these marshes. Prior to 1984 the marshes covered 15,000 - 20,000 square kilometers. Today, because of the drainage, they cover 2,000 square kilometers. The destruction of these marshes permanently altered the ecology of the area and endangered 40 species of animal and bird life.

¶4. (U) The pretext for the destruction of the marshes was suspicion that they were sheltering Iranian infiltrators. In 1984, the Iran-Iraq war was at its most intense in southern Iraq. Saddam's forces also suspected marsh inhabitants of aiding these infiltrators and began systematically destroying the marshes and relocating the population. Between 1984-1992 the regime used napalm and chemical weapons in its attacks, poisoning the water and diverting the rivers to dry up the marshes. The Marsh Arab population dropped by 83 percent.

¶5. (U) The trial began with 32 defendants. The most notable included Ali Hassan Al Majid, also known as "Chemical Ali" and Sabawi and Watban Ibrahim Al Hassan, half brothers of Saddam Hussein. Others included former military officers and political officials who were in charge of the extermination effort.

¶6. (U) Prior to the testimony of the first witness, the prosecutor provided a brief opening statement highlighting the evidence. Defense attorney Abd Sittar vigorously argued that he had not been provided copies of the witness statements and documents that were part of the investigative file. Under the law applicable to the Iraqi High Tribunal the prosecutor must disclose to the defense all material provided in the investigative case file at least 45 days before trial. The trial judge, Mahmoud Salih A'ti Al Hassan, questioned the defense attorney as to why he had waited until the first day of trial to raise this issue. Abd Sittar replied that he had requested the material at least three times from the prosecutor.

The prosecutor then stated he was planning to release the material in stages. Judge Mahmoud ordered the prosecutor to provide the entire investigative file to the defendants.

¶7. (SBU) Comment: This is Iraqi High Tribunal's seventh trial of former regime officials, and the first time embassy observers have witnessed an Iraqi defense attorney push back against a trial judge, insistently asserting the application of the law - a small victory for the rule of law in Iraq. End comment.

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